

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
E/S Burkleigh Road, 137 ft.  
SW/S of c/l Burke Avenue  
65 Burkleigh Road  
9th Election District  
4th Councilmanic District  
Robert M. Lovell, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-112-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Robert M. Lovell and Elsie D. Lovell, his wife, for that property known as 65 Burkleigh Road in the Burkleigh Square subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 12 ft., in lieu of the required 15 ft., from the centerline of an alley for an existing carport, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

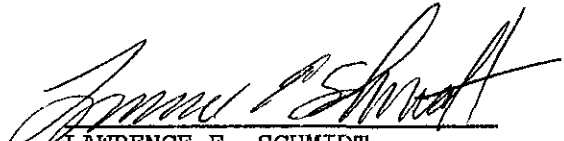
Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27<sup>th</sup> day of October, 1994 that the Petition for a Zoning Variance from Section 400.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a setback of 12 ft., in lieu of the required 15 ft., from the centerline of an alley for an existing carport, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The carport shall remain open on all sides and shall not be enclosed at any time.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 10/27/94  
By En. Joseph

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

October 26, 1994

Mr. and Mrs. Robert M. Lovell  
65 Burkleigh Road  
Towson, Maryland 21286

RE: Petition for Administrative Variance  
Case No. 95-112-A  
Property: 65 Burkleigh Road

Dear Mr. and Mrs. Lovell:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

RECEIVED





# Petition for Administrative Variance

95-112-A

## to the Zoning Commissioner of Baltimore County

for the property located at 65 BURKLEIGH ROAD

which is presently zoned DR10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.2

To allow a setback (for an existing carport) of 12 feet in lieu of the required 15 feet from the centerline of an alley.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Even with permit parking, it is frequently difficult to find a parking place near our home. The use of my rear yard would alleviate this difficulty. Complying with the zoning law would not allow me to use the space in my rear yard in a practical way.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

ROBERT M. LOVELL  
(Type or Print Name)

Robert M. Lovell  
Signature

ELSIE D. LOVELL  
(Type or Print Name)

Elsie D. Lovell  
Signature

65 BURKLEIGH RD, 825-2937  
Address Phone No.

TOWSON MD 21286  
City State Zipcode  
Name, Address and phone number of representative to be contacted.

SAME  
Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County



REVIEWED BY: JA

DATE: 9-26-94

ESTIMATED POSTING DATE: 10-9-94



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 113

**MICROFILMED**

# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 65 BURKLEIGH ROAD  
address  
TOWSON MD 21286  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

FOR 35 YEARS I HAVE BEEN ABLE TO RENT A  
NEIGHBORHOOD GARAGE FOR MY CAR. HOWEVER,  
THERE ARE NONE AVAILABLE NOW. PARKING ON THE  
STREET IN OUR AREA REQUIRES A PERMIT. EVEN SO,  
THERE ARE TIMES WHEN IT IS IMPOSSIBLE TO FIND A  
PARKING PLACE NEAR OUR HOME. THERE HAS BEEN A  
COVERED PATIO IN OUR REAR YARD SINCE WE PURCHASED THE  
HOUSE. IF I COULD EXTEND THE PATIO SEVEN FEET IT  
WOULD BE LONG ENOUGH TO SHELTER THE CAR.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Robert M. Lovell  
(signature)  
ROBERT M. LOVELL  
(type or print name)



Elsie D. Lovell  
(signature)  
ELSIE D. LOVELL  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of September, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert M. Lovell and Elsie D. Lovell

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

9/8/94  
date

Catherine E. Burt  
NOTARY PUBLIC

My Commission Expires: November 18, 1997

95-112-A  
Zoning Description for 65 Burkleigh Road

Beginning at a point on the southeast side of Burkleigh Road which is 40 feet wide at the distance of 137 feet southwest side of the centerline of Burke Avenue which is the nearest improved intersecting street and which is also 40 feet wide.

Being Lot # 22 in the subdivision of Burkleigh Square as recorded in the Baltimore County Plat Book C.W.B. Jr. #12, Folio 88, containing approximately 3294 square feet. Also known as 65 Burkleigh Road and located in the 9th Election District, 4th Concilmanic District.

Original mortgage as recorded in Liber 3631, Folio 147.

# 113

MICROFILMED

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

95-112-A

District: 9th Date of Posting: 10/2/94  
Posted for: Variano  
Petitioner: Robert & Elsie Coroll  
Location of property: 65 Burkley Rd., E/S  
Location of Signs: Facing roadway, on property, being zone d  
Remarks: \_\_\_\_\_  
Posted by: [Signature] Date of return: 10/14/94  
Signature  
Number of Signs: 1

RECEIVED



Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

95-118-

receipt

Date

9-29-94

Account: R-001-6150

Number 113

Taken by JRF

LOVELL -- 65 Burkclough Rd.

010 ---- Variance = \$ 50.00

080 ---- Sign ----- \$ 35.00

---

\$ 85.00

MICROFILMED

01A01#0252MICRC

\$85.00

BA C010:51AMD9-26-94

Please Make Checks Payable To: Baltimore County

Cashier Validation.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



95-112-A

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 113

Petitioner: ROBERT M. LOVELL

Location: 65 BURKLEIGH ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ROBERT M. LOVELL

ADDRESS: 65 BURKLEIGH ROAD

TOWSON, MD - 21286

PHONE NUMBER: 825-2937

AJ:ggs

MICROFILMED

(Revised 04/09/93)



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCT. 17 1994

Alvin I. Frederick  
729 E. Pratt Street  
Baltimore, Maryland 21220

Re: Item, # 113, Case # 95-112

Dear Petitioner:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. IF additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on September 16, 1994 and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.
- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours

W. Carl Richards, Jr.

W. Carl Richards, Jr.  
Zoning Supervisor

MICROFILMED



BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E   C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: October 17, 1994  
Zoning Administration and Development Management

FROM: *Rob* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for October 17, 1994  
Items 113, 115, 118, 120, 122, 123 and 124

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: October 11, 1994

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 113, 116, 119, 120 and 121.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Gary L. Kerns*

PK/JL:lw

RECEIVED

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 10/10/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 116, 117, 119,  
120, 121, 122 AND 123.

RECEIVED  
OCT 11 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

*[Handwritten signature]*





*Maryland Department of Transportation  
State Highway Administration*

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

10-7-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: ~~113~~ (JRF)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*for* *Bob Small*  
David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

OCT. 07 1994

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

October 7, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

**COPY**

TO: Robert M. Lovell and Elsie D. Lovell  
65 Burkleigh Road  
Towson, Maryland 21286

Re: CASE NUMBER: 95-112-A (Item 113)  
65 Burkleigh Road  
E/S Burkleigh Road, 137' SW/S of c/l Burke Avenue  
9th Election District - 4th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before October 9, 1994. The closing date (October 24, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

MICROFILMED

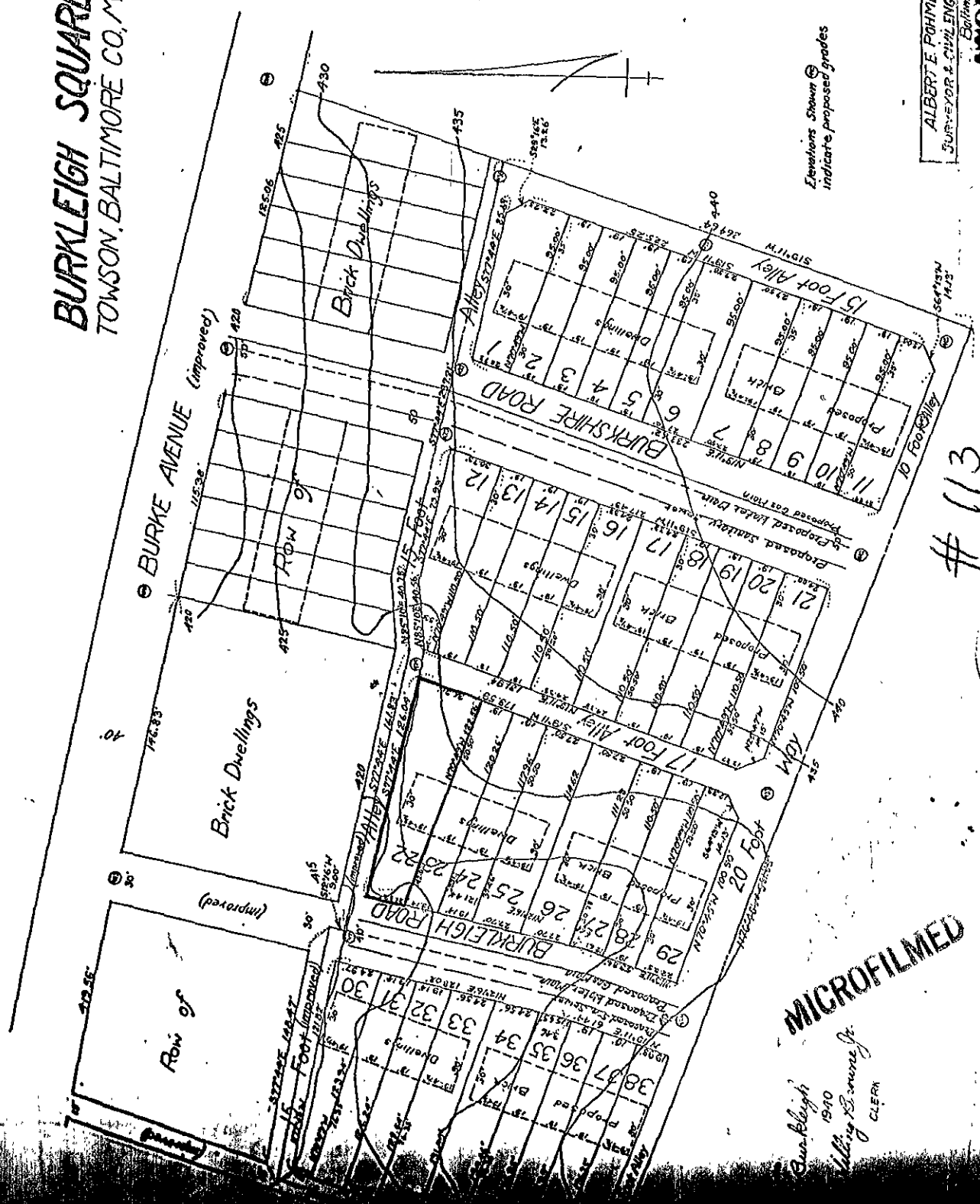


# 95-1127A

## BURKLEIGH SQUARE

TOWSON, BALTIMORE CO., MD.

SCALE 100' = 1"



Elevations Shown  
Indicate proposed grades

ALBERT E. FOHMER  
SURVEYOR & CIVIL ENGINEER  
Baltimore  
47986

# 113

MICROFILMED

Burleigh  
1940  
Village & Towne  
CLEAN



95-112-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

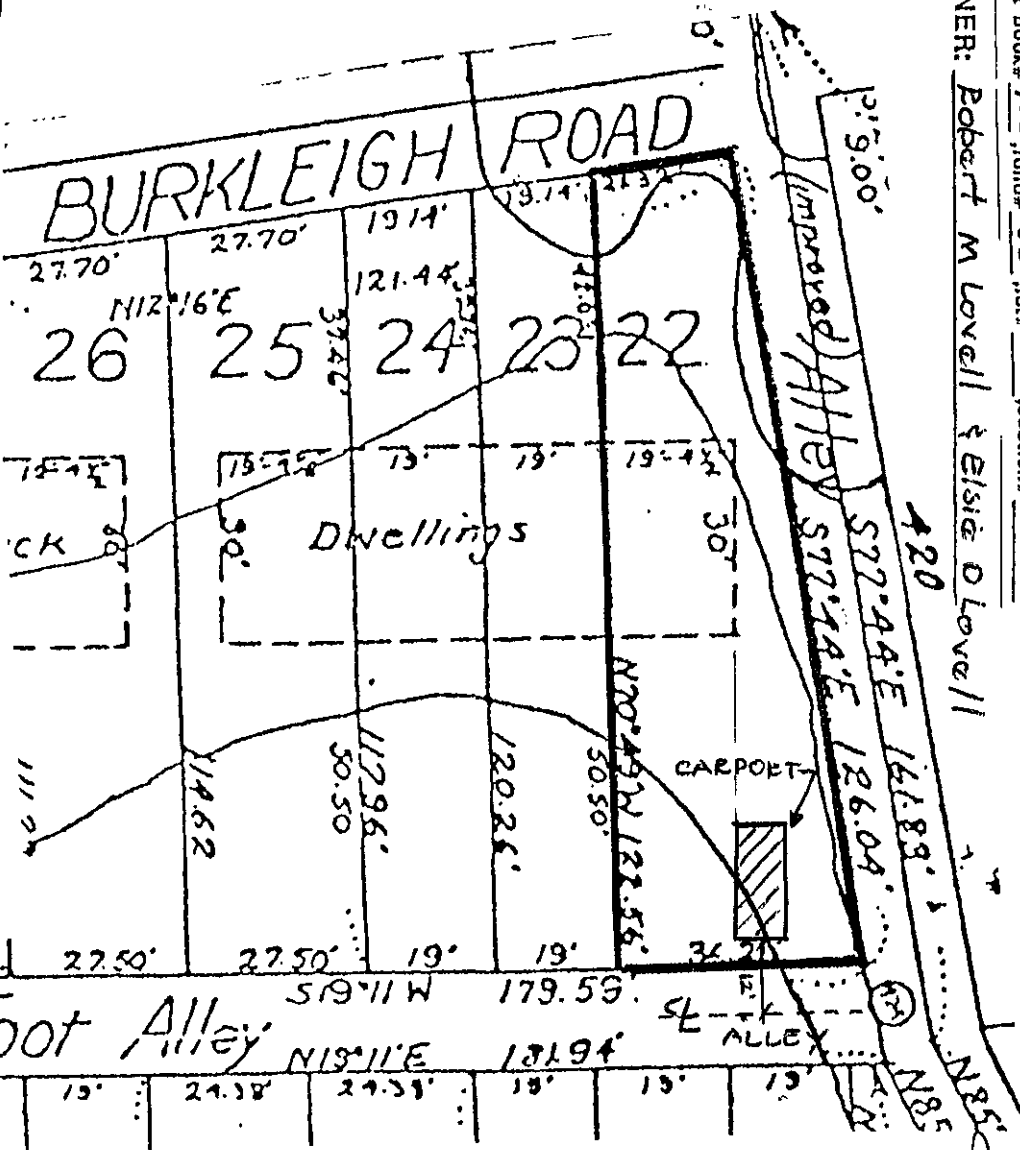
PROPERTY ADDRESS: 65 BURKLEIGH RD.

See pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BURKLEIGH SQUAKE

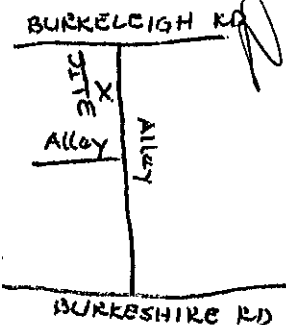
Plat book # 12, folio # 88, lot # 22, section # —

OWNER: Robert M Lovell & Elsie O Lovell



North  
date: 7-1-94  
prepared by: B. LOVELL

Scale of Drawing: 1" = 30'



Vicinity Map  
scale 1" = 1000'

LOCATION INFORMATION

Election District: 9

Councilmanic District: 4

1"=200' scale map#: NE 9-A

Zoning: D2-10.5

Lot size: 3294 acreage square feet

SEWER: ☒ public ☐ private  
WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☐ Prior Zoning Hearings: None

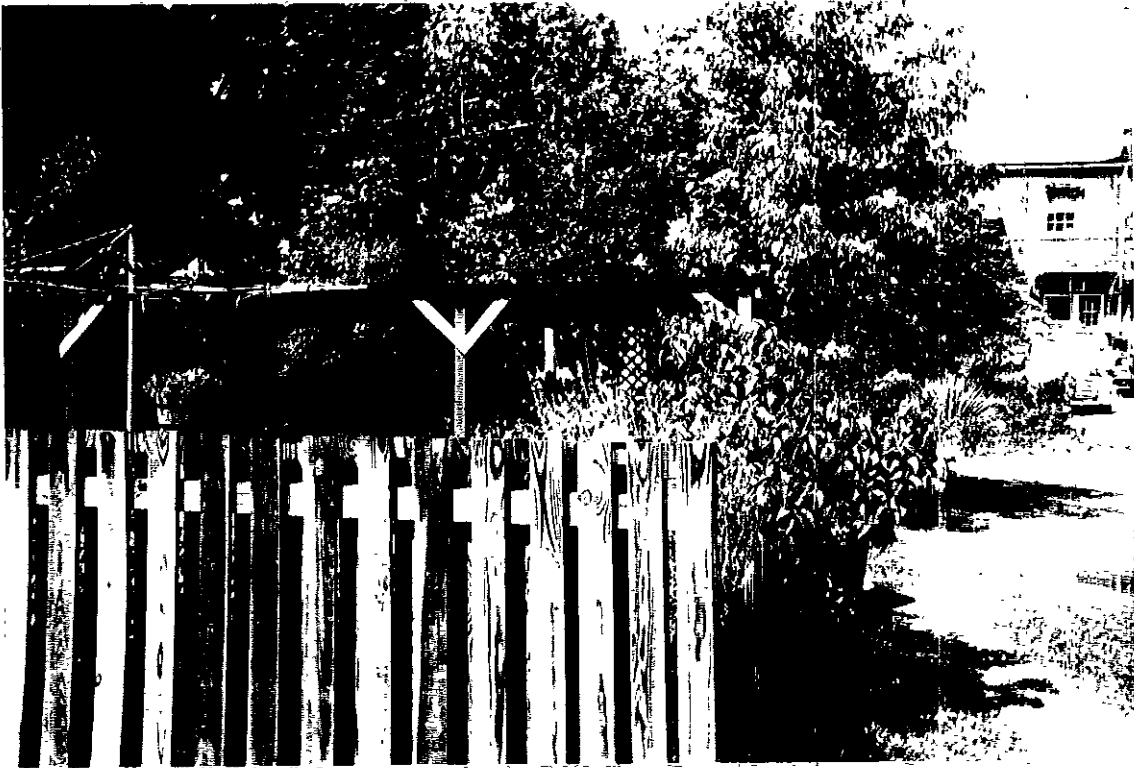
Zoning Office USE ONLY!

reviewed by: 113 ITEM #: CASE#:

MICROFILMED

95-113-A

Photographs of Neighborhood  
Nearby Properties of 65 Burkleigh Road



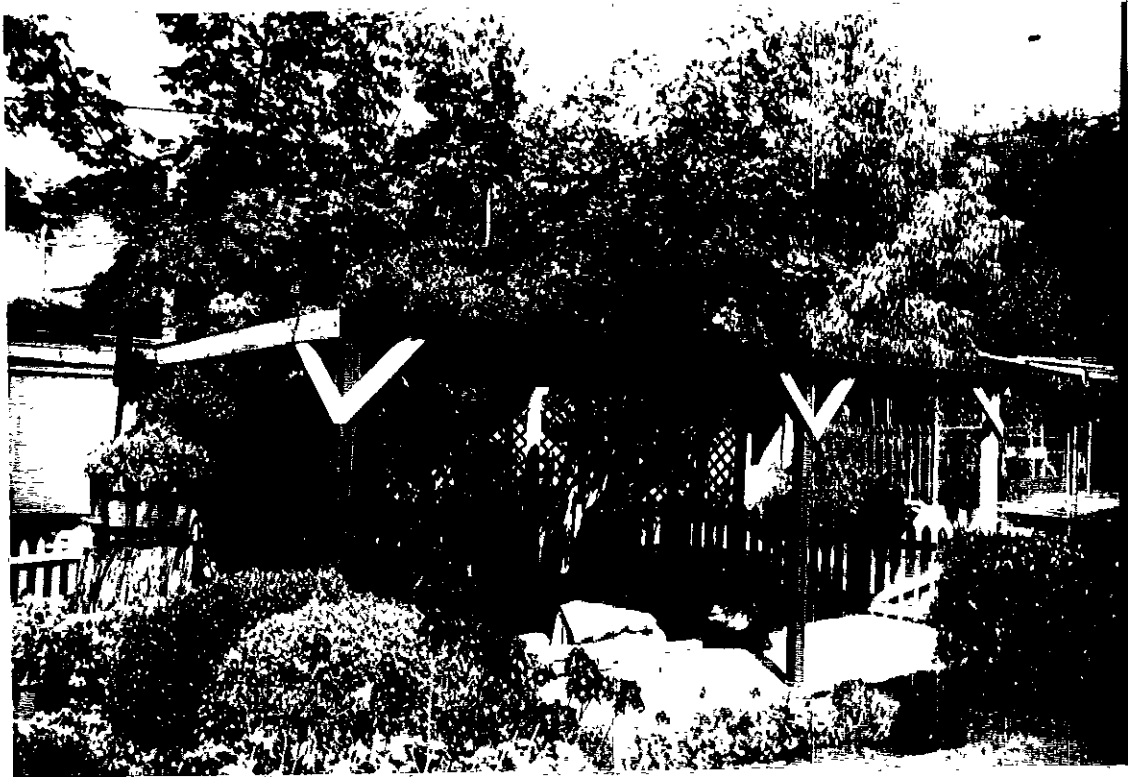
VIEW LOOKING NORTH FROM NEIGHBOR'S YARD

MICROFILMED

#113

95-118-A

Photographs of Structure  
Rear Yard of 65 Burkleigh Road



VIEW LOOKING NORTH



VIEW LOOKING SOUTH

#113  
MICROFILMED

• 95-112-A •

Photographs of Structure  
Rear Yard of 65 Burkleigh Road



VIEW LOOKING EAST



VIEW LOOKING WEST

#113

100-112-113

7

CUPOLA

AGNEW

DR.

ROAD

NICE

AVE.

HARR

C/R

CR-82-69A-

E3,000

**R.A.E. 2**

**BM-CSA**

LINDEN

92-431-5PH

**D.R. 16**

BURKELEIGH

RD.

**BM**

109

BURKESHIRE RD.

D.R. 5.5

ALGBURTH

#113

ALLEY

☐ NORMAL ☐ TERRACE

**MICROFILMED**

A map of Maryland with a red dot indicating the location of the subject.

**D.R.16**

Dr. C. H.

# TERFACE

E 4,500





BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	WILTONDALE TOWSON	N.E. 9-A
DATE OF PHOTOGRAPHY JANUARY 1986		

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